



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,070	12/18/2003	Eric Bouchard	131823	2143

7590 09/07/2006

John S. Beulick
Armstrong Teasdale LLP
Suite 2600
One Metropolitan Square
St. Louis, MO 63102

EXAMINER

OMGBA, ESSAMA

ART UNIT PAPER NUMBER

3726

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/740,070

Applicant(s)

BOUCHARD ET AL.

Examiner

Essama Omgba

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/18/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of the invention of Group II, claims 6-20 in the reply filed on June 26, 2006 is acknowledged. The traversal is on the ground(s) that a thorough search and examination of either claim group will be relevant to the examination of the other group, and that requirements for restriction are not mandatory under 35 U.S.C. This is not found persuasive because, even assuming that the search and examination one group is relevant to the other group, examining both group will still put undue burden on the examiner since there is no overlapping searches between the groups. The search of one group of invention may be relevant to the search of the other group but not necessarily required. The search and examination of the different groups of inventions in restricted cases will always be related to some degree. Also although it is true that requirements for restriction are not mandatory under 35 U.S.C, however where distinct inventions are claimed and the search and examination of all the claimed inventions will put an undue burden on the examiner, restriction of the inventions is proper.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3726

3. Claims 6-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 and 13 recite the limitation "the first dovetail" in lines 7 and 8 respectively. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones et al. (US Patent 6,830,240).

With regards to claim 6, Jones et al. discloses an assembly comprising a base portion (fixture 52), a body portion (clamp assembly 54) coupled to the base portion (col. 2, lines 62-66), and a first set of retainer removably coupled to the body portion, the first set of retainers comprising an upper portion 60 having a profile that substantially mirrors a portion of a first dovetail, and a lower portion 58 having a profile that substantially mirrors an opposite side of the first dovetail (col. 3, lines 21-41).

For claim 7, see column 3, lines 30-38.

Art Unit: 3726

For claim 8, see column 3, lines 39-46 and 56-60 and column 4, lines 35-59.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al.

Jones et al. discloses an assembly as shown above except for first and second openings in the body portion sized to receive the upper portion and the lower portion respectively. However it is within the general knowledge of one of ordinary skill in the art to appropriately couple retainers or clamping members to a body portion whether through openings or other suitable connection means. Therefore it would have been obvious to one ordinary skill in the art to couple the upper and lower portions of the first set of retainers to the body portion through appropriately sized openings or through other coupling means as is within the general knowledge of one of ordinary skill in the art.

For claim 12, Applicant should note that the assembly of Jones et al. could accommodate a second set of retainers that is different than the first set of retainers and is configured to hold a second dovetail.

For claim 13, Jones et al. discloses a milling machine comprising an assembly that comprises a base portion (fixture 52), a body portion (clamp assembly 54) coupled to the base portion (col. 2, lines 62-66), and a first set of retainer removably coupled to the body portion, the first set of retainers comprising an upper portion 60 having a profile that substantially mirrors a portion of a first dovetail, and a lower portion 58 having a profile that substantially mirrors an opposite side of the first dovetail (col. 3, lines 21-41) and a grinding wheel (col. 9, lines 3-4). Although Jones et al. does not specifically disclose the grinding wheel configured to machine a seal wire groove into the dovetail, however it would have been obvious to one of ordinary skill in the art at the time the invention was made that the assembly of Jones et al. could be used with a grinding wheel configured to machine a seal wire groove into the dovetail, see column 9, lines 43-49.

For claim 14, see column 3, lines 30-46 and 56-60 and column 4, lines 35-59.

For claims 15-17, Applicant should note that it is within the general knowledge of one of ordinary skill in the art to appropriately couple retainers or clamping members to a body portion whether through openings or other suitable connection means.

For claim 18, Applicant should note that the assembly of Jones et al. could accommodate a second set of retainers that is different than the first set of retainers and is configured to hold a second dovetail.

For claims 19 and 20, Applicant should note that grinding wheels comprising cubic boron nitride and a cutting geometry that substantially mirrors a seal wire geometry are old and well known in the art.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/740,070
Art Unit: 3726

Page 7

A handwritten signature in black ink, appearing to read 'Essama Omgba', written in a cursive style.

Essama Omgba
Primary Examiner
Art Unit 3726

eo
September 5, 2006